

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 18-cr-0175 (WMW/DTS)

Plaintiff,

**AMENDED PRELIMINARY ORDER
OF FORFEITURE**

v.

Damien James McDonald,

Defendant.

Before the Court is Plaintiff United States of America's Motion for an Amended Preliminary Order of Forfeiture. (Dkt. 72.) The Court previously found that the property at issue is subject to forfeiture, 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and that the United States has established the requisite nexus between such property and the offense of which Defendant Damien James McDonald has been found guilty. (Dkt. 50.) The Court finds that the following amendment to the Preliminary Order of Forfeiture issued against McDonald is authorized by, and appropriate under, 21 U.S.C. § 853(g), Fed. R. Crim. P. 32.2(e), and Paragraph 8 of this Court's Preliminary Order of Forfeiture.

Based on the foregoing and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff United States of America's Motion for an Amended Preliminary Order of Forfeiture, (Dkt. 72), is **GRANTED**.
2. The Court's April 23, 2019 Preliminary Order of Forfeiture, (Dkt. 50), is hereby **AMENDED**, and this Order shall supersede and replace the April 23, 2019 Order.

3. Defendant Damien James McDonald shall forfeit to the United States \$4,506 in United States Currency.

4. The United States Attorney General or an authorized designee may seize the property and maintain custody and control of it pending the entry of a final order of forfeiture.

5. Pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), the United States shall publish and give notice of this Order and the intent of the United States to dispose of the property in such manner as the Attorney General may direct.

6. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), (c)(1)(B), and 21 U.S.C. § 853(m), the United States may conduct discovery to identify property subject to forfeiture under the terms of this Order, or to address any factual issues raised by a third-party petition filed pursuant to Federal Rule of Criminal Procedure 32.2(c).

7. This Order shall become final as to Defendant upon issuance, made part of the sentence, and included in the judgment. Fed. R. Crim. P. 32.2(b)(4)(A), (B).

8. Following the Court's disposition of any petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period established to file such petitions, the United States shall have clear title to the property at issue and may warrant good title to any subsequent purchaser or transferee.

9. This Court shall retain jurisdiction to enforce this Order and to amend it as necessary. Fed. R. Crim. P. 32.2(e).

Dated: May 28, 2020

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge